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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,022	02/25/2005	Hajime Seki	SEKI3006/FJD	4627
23364	7590	03/02/2007	EXAMINER	
BACON & THOMAS, PLLC			NGUYEN, THU N	
625 SLATERS LANE			ART UNIT	PAPER NUMBER
FOURTH FLOOR				2109
ALEXANDRIA, VA 22314				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/526,022	SEKI, HAJIME
	Examiner Thu Nga Nguyen	Art Unit 2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on February 25, 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

Claims 1-3 are pending.

***Specification***

1. The abstract of the disclosure is objected to because of line 5, 7, 12 "mean for". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 1 recites the limitation "each operation" in line 20. It is unclear what this operation refers to. Does it refer to "statuses of operations" in line 11 or does it refers to "issuing operations" in line 14? Also, it is unclear if "The operations" in line 22 refers to "the operations" in line 11,14 or 19?
4. Claim 1 recites the limitation "the head entry" in line 24. There is no antecedent basis for this limitation in the claim. Also "are shown to be" is unclear.
5. Claim 1 recites the limitation "the corresponding" in line 25. It is unclear what element this reference refers to.

6. Claim 2 recites the limitation "the top downward" in line 3. It is unclear what element this reference refers to.

### ***Double Patenting***

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claim 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-12 of copending Application No.10/344,698 in view of Shang et al (U.S. 5,974,531). This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of copending Application No. 10/344,698 in view of Shang et al (U.S. 5,974,531).

Application No. 10/344,698 sets forth in claim 7 of Computer System having "a data file that has entries each designed to be able to hold data; an advanced mapping file that has entries each designed to be able to hold an entry address in said data file; a completed mapping file that has entries each designed to be able to hold an entry address in said data file; a state-modification queue that has entries each designed to be able to hold substance of a modification made on said advanced mapping file; a means for performing issued operations out of order; wherein making a modification on said advanced mapping file, entering the substance of said modification into said state-modification queue, and issuing operations combined with said modification on said advanced mapping file are each to be done by cycle; wherein all of the operations combined with the modification on said advance mapping file indicated by the substance in the head entry of said state-modification queue are shown to be terminated normally by the corresponding means for holding statuses of operations, a modification according with said substance in said head entry of said state-modification queue is to be made on said completed mapping file, and said head entry of said state-modification queue is to be dequeued". However the claims of Application No. 10/344,698 do not set forth a "means for holding statuses of operations provided in respective correspondence with said entries of said state-modification queue;" "wherein each issued operation is to be executed out of order, and, on termination of each

operation, corresponding part of said means for holding statuses of operations is to be altered accordingly;" as claimed. Shang et al (U.S. 5,974,531), however, teaches (See: Column 3 line 35-49 and column 4 line 7-26) and (See Column 4 line 27-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the claims of application No 10/344,698 by adding the means for holding statuses of operation provided in respective correspondence with said entries of said state-modification queue and wherein each issued operation is to be executed out of order, and, on termination of each operation, corresponding part of said means for holding statuses of operations is to be altered accordingly of Shang in order to save the execute information.

10. As per claim 2, see the limitation of claim 9 of copending application No.

10/344,698.

11. As per claim 3, see claim 8 of the copending application No. 10/344,698 recites all limitation of claim 3.

#### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claim 1-3, as well as understand, are rejected under 35 U.S.C. 102(b) as being anticipated by Shang et al. (U.S. 5,974,531).

14. as per claim 1:

Shang disclosed a computer system comprising;

a data file that has entries each designed to be able to hold data (See, figure 1, column 3 line 50-60, *where the register 17 file operates as on-chip stack cache to store the upper entries of a stack*);

an advanced mapping file that has entries each designed to be able to hold an entry address in said data file (See: Column 3 line 62-67 through column 4 line 1-6 *where the decoded instructions are transmitted to an instruction window for execution*);

a completed mapping file that has entries each designed to be able to hold an entry address in said data file (See: Column 3 line 50-67 and column 4 line 1-6 *where the register file stores instruction results that have completed*);

a state-modification queue that has entries each designed to be able to hold substance of a modification made on said advanced mapping file (See: Column 4 line 7-20 *where after execution the resulting information is written back to the reorder buffer*);

means for holding statuses of operations provided in respective correspondence with said entries of said state-modification queue (See: Column line 35-49); and

a means for performing issued operations out of order (See Column 3 line 35-49 and column 4 line 7-26);

wherein making a modification on said advanced mapping file entering the substance of said modification into said state-modification on said advanced mapping

Art Unit: 2109

file are each to be done in one cycle (See: Column 4 line 7-26 *where when the execution of the instruction is completed, the instruction is retired and update to the register file*);

Wherein each issued operation is to be executed out of order, and, on termination of each operation, corresponding part of said means for holding statuses of operations is to be altered accordingly (See: Column 4 line 27-41); and

Wherein if all of the operations combined with modification on said advance mapping file indicated by the substance in the head entry of said state-modification queue are shown to be terminated normally by the corresponding means for holding statuses of operations, a modification according with said substance in said head entry of said state-modification queue is to be made on said completed mapping file and said head entry of said state-modification queue is to be dequeued (See: Column 3 line 62-67 through column 4 line 1-26).

As per claim 2;

Wherein said advanced mapping file and said completed mapping file are each to hold stack elements form the top downward in order of entry address (See: Column 3 line 35-61).

As per claim 3:

Wherein said advanced mapping file and said completed mapping file are each to be accessed by entry addresses (See: Column 3 line 36-49).

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacDonald et al (U.S. 6,295,574) taught real time interrupt handling for superscalar.

Mahalingaiah et al (U.S. 5,870,578) taught workload balancing in a microprocessor for reduced instruction dispatch stalling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nga Nguyen whose telephone number is 571-270-1765. The examiner can normally be reached on Mon-Fri from 8:00 AM to 5:30 PM Off every First and second Friday of a month.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds can be reached on 571-272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 2109

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN

571-270-1765

  
RAFAEL PEREZ-GUTIERREZ  
SUPERVISORY PATENT EXAMINER

1/30/07